

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Murdise Moore

(In the space above enter the full name(s) of the plaintiff(s).)

-against-

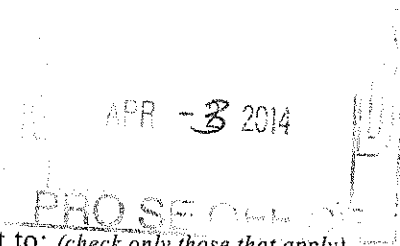
see attached

**COMPLAINT
FOR EMPLOYMENT
DISCRIMINATION**

Jury Trial: ☒ Yes ☐ No

(check one)

(In the space above enter the full name(s) of the defendant(s).
If you cannot fit the names of all of the defendants in the space
provided, please write "see attached" in the space above and
attach an additional sheet of paper with the full list of names.
Typically, the company or organization named in your charge
to the Equal Employment Opportunity Commission should be
named as a defendant. Addresses should not be included here.)



This action is brought for discrimination in employment pursuant to: (check only those that apply)

☒

Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

NOTE: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue Letter from the Equal Employment Opportunity Commission.

☒

Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 - 634.

NOTE: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.

☒

Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 - 12117.

NOTE: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue Letter from the Equal Employment Opportunity Commission.

☒

New York State Human Rights Law, N.Y. Exec. Law §§ 290 to 297 (age, race, creed, color, national origin, sexual orientation, military status, sex, disability, predisposing genetic characteristics, marital status).

☒

New York City Human Rights Law, N.Y. City Admin. Code §§ 8-101 to 131 (actual or perceived age, race, creed, color, national origin, gender, disability, marital status, partnership status, sexual orientation, alienage, citizenship status).

I. Parties in this complaint:

- A. List your name, address and telephone number. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff Name Murdise Moore
 Street Address 340 West 47th Street, Apt.5-A
 County, City New York County, New York City
 State & Zip Code New York 10036
 Telephone Number 917-755-5290

- B. List all defendants' names and the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant Name see attached
 Street Address _____
 County, City _____
 State & Zip Code _____
 Telephone Number _____

- C. The address at which I sought employment or was employed by the defendant(s) is:

Employer United States Postal Service
 Street Address 465 East 188th Street
 County, City Bronx County, New York City
 State & Zip Code New York 10458
 Telephone Number 718-584-3577

II. Statement of Claim:

State as briefly as possible the facts of your case, including relevant dates and events. Describe how you were discriminated against. If you are pursuing claims under other federal or state statutes, you should include facts to support those claims. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

- A. The discriminatory conduct of which I complain in this action includes: *(check only those that apply)*

_____ Failure to hire me.
 _____ Termination of my employment.
 _____ Failure to promote me.
☒ Failure to accommodate my disability.
☒ Unequal terms and conditions of my employment.

- ☒ Retaliation.
- ☒ Other acts (specify): possible others that I'm unable to identify w/o a lawyer's help.

Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.

- B. It is my best recollection that the alleged discriminatory acts occurred on: and after 12/10/2010.
Date(s)

- C. I believe that defendant(s) (check one):

☐ is still committing these acts against me.

☒ is not still committing these acts against me.

- D. Defendant(s) discriminated against me based on my (check only those that apply and explain):

- ☒ race black ☐ color _____
- ☒ gender/sex female ☐ religion _____
- ☐ national origin _____
- ☒ age. My date of birth is 12/17/1951 (Give your date of birth only if you are asserting a claim of age discrimination.)
- ☒ disability or perceived disability, diabetes (specify)

- E. The facts of my case are as follow (attach additional sheets as necessary):
see attached

Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, the New York State Division of Human Rights or the New York City Commission on Human Rights.

III. Exhaustion of Federal Administrative Remedies:

- A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding defendant's alleged discriminatory conduct on: or before February 16, 2011 (Date).

B. The Equal Employment Opportunity Commission (*check one*):

 X has not issued a Notice of Right to Sue letter.
 issued a Notice of Right to Sue letter, which I received on 02/20/2014 (Date).

Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.

C. Only litigants alleging age discrimination must answer this Question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding defendant's alleged discriminatory conduct (*check one*):

 X 60 days or more have elapsed.
 less than 60 days have elapsed.

IV. Relief:

WHEREFORE, plaintiff prays that the Court grant such relief as may be appropriate, including injunctive orders, damages, and costs, as follows: see attached

(Describe relief sought, including amount of damages, if any, and the basis for such relief.)

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 31 day of March, 2014

Signature of Plaintiff

Minsie Moore

Address

340 West 47th Street, Apt.5-A

New York, New York 10036

Telephone Number

917-755-5290

Fax Number (*if you have one*)

Defendants:

1. Patrick R. Donahoe, Postmaster General, United States Postal Service (Northeast Area)
2. David S. Friedman
3. Aida Santana-Putter

Defendants' names and address where each may be served:

1. Patrick R. Donahoe, Postmaster General, United States Postal Service (Northeast Area)
NEEOISO – Appeals
U.S. Postal Service
P.O. Box 21979
Tampa, FL 33622-1979
2. David S. Friedman
Northeast/New York USPS Law Department
90 Church Street, Suite 3300
New York, New York 10007-2993
3. Aida Santana-Putter
Fordham Station
465 East 188th Street
Bronx, New York 10458-9998

The facts of my case are as follows:

On December 10, 2010, Aida Santana-Putter, a supervisor at my place of federal employment (US Postal Service), chastised me during my lunch hour for taking time to administer during my lunch hour an insulin injection immediately after I administered the injection; I am diabetic. Also, she ordered, with threat of taking disciplinary action if I failed to comply, the end of my lunch hour when I had yet to eat she stating that I had used up my lunch hour time on the insulin injection. As a result, I suffered a near diabetic shock while performing my job on the street – I'm a mail carrier since 1988 with virtually no disciplinary history. During the subsequent approximately 6 months, she harassed me concerning my diabetes – my disability – and the fact that I lodged a complaint. Throughout this period and up to now due to this conduct, I suffered anxiety, humiliation, anger, irrational fear and resentment. Also, aside from her just being evil in treating me this way, I often felt she was attempting to incite me into doing something unbecoming to get me into trouble and to offset what she did. For example, on more than one occasion, she stated to fellow employees within my earshot "I don't care. What is she going to do? File another complaint with the EEOC?" I feel that all of this is prohibited by the Americans with Disability Act and other laws, and that no employee should have to endure such abuse in the workplace. I have never seen her do this sort of thing to other employees that do not have a disability or that are a different race than me or that are younger than me or that are male. Please help.

Relief:

1. Letter of apology from both the Postal Service and the supervisor;
2. prohibiting the supervisor from ever doing this or anything else illegal to me or others again;
3. force my station and all others throughout the United States to post forever in the "swingroom"/lunchroom a 3'x3' poster informing employees of anti-discrimination rights;
4. force my station to host quarterly a 30 minute video presentation discussing employment anti-discrimination rights where attendance by all employees of the station is mandatory
5. award me \$150,000 to:
 - a. show the Postal Service and the supervisor that this behavior or policy is intolerable;
 - b. hopefully cause upper management to take both notice of what happened and measures to prevent, or lessen the chance, that this ever happens again; that such an award packs enough of a punch to cause;
 - c. compensate me for the humiliation, anger, irrational fear and anxiety that I experienced for quite some time after the incident, and the resentment I still carry;
 - d. reward me for not quitting and furthering the rights of myself and others that stand to benefit from my fight;
 - e. attorney's fees, if the court approves my request for a free attorney to help me with my action or in the event that I can find an affordable attorney; and
 - f. costs.



EEO Complaint of Discrimination in the Postal Service (See Instructions and Privacy Act Statement on Reverse)

1. Name MURDISE MOORE		2. SSN or EIN 296501907	3. Case No. 413-11113611
4a. Mailing Address (Street or P.O. Box) 340 W. 47th STREET 5A		4b. City, State, and Zip + 4 NEW YORK, N.Y. 10036	
5. Email Address *		6. Home Phone (917) 855-9290	7. Work Phone (718) 584-7900
8. Position Title (USPS Employees Only) LETTER CARRIER	9. Grade Level (USPS Employees Only) 6-	10. Do You Have Veteran's Preference Eligibility <input type="checkbox"/> Yes <input type="checkbox"/> No	
11. Installation Where You Believe Discrimination Occurred (Identify Installation, City, State, and Zip + 4) FORDHAM STATION 465 E. 188th STREET BRONX, N.Y. 10438		12. Name & Title of Person(s) Who Took the Action(s) You Allege Was Discriminatory MR AHMED EEOC Representative	
13a. Name of Your Designated Representative		13b. Title	
13c. Mailing Address (Street or P.O. Box)		13d. City, State, and ZIP + 4	
13e. Email Address *		13f. Home Phone	13g. Work Phone
* Providing this information will authorize the Postal Service to send important documents electronically.			
14. Type of Discrimination You Are Alleging			
<input checked="" type="checkbox"/> Race (Specify): <input type="checkbox"/> Color (Specify): <input type="checkbox"/> Religion (Specify): <input type="checkbox"/> National Origin (Specify): <input checked="" type="checkbox"/> Sex (Specify): <input checked="" type="checkbox"/> Age (40+) (Specify): <input type="checkbox"/> Retaliation (Specify Prior EEO Activity): <input checked="" type="checkbox"/> Disability (Specify): <input type="checkbox"/> Genetic Information (Specify):			
15. Date on Which Alleged Act(s) of Discrimination Took Place			

16. Explain the specific action(s) or situation(s) that resulted in you alleging that you believe you were discriminated against (treated differently than other employees or applicants) because of your race, color, religion, sex, age (40+), national origin, genetic information, or disability. *Note that if your allegation is like or related to a previous complaint, that complaint may be amended. 29 C.F.R. § 1616.106(d)*

ON TWO MONTHS AGO I WENT INTO THE BATHROOM AFTER I CLOCKED OUT FOR LUNCH. AFTER I CAME OUT OF THE BATHROOM, MISS SANTANA STARTED ASKING ME VERY LOUD ON THE WORK FLOOR. MRS MOORE I KNOW YOU HAD TO TAKE YOUR INSULIN BUT IT SHOULD NOT TAKE YOU 25 MINUTES. MY MOTHER TOOK INJECTIONS AND MY DISABILITY WAS NOT ACCOMMODATED. PLEASE KEEP MISS SANTANA AWAY FROM ME SHE IS VERY MUCH OUT OF CONTROL.

18. Did You Discuss Your Complaint with a Dispute Resolution Specialist or a REDRESS Mediator?

☒ Yes (Date you received the Notice of Final Interview): **2/16/2011** ☐ No

19a. Signature of Dispute Resolution Specialist

Accomplish K. Ahmed

19b. Date

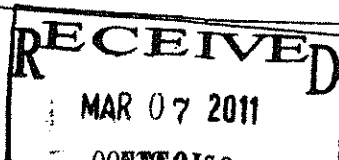
2-16-2011

20. Signature of Complainant or Complainant's Attorney

Murdis Moore

21. Date of this Complaint

2/16/2011

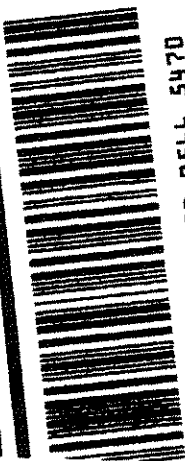


She - her mother - was done 1-2-3 - MRS. SANTANA (C)
 STATED you need to go to your Doctor and get
 a Doctors note AS to why it takes me so
 long in the bathroom. MRS. SANTANA WAS SO
 loud MRS. Cordero came from the window
 where the clerks work. Mrs Cordero was
 our Acting Manager at that time, She also
 MRS. Santana also called Mr. Mytil
 our shop steward over. Mr. Mytil
 explained to MRS. Santana that she
 WAS WRONG. I am still on my lunch
 and I am to RECEIVE 1/2 hour for
 lunch and 10 minutes for wash up.
 * I explained again to MRS. Santana that
 I had just taken my insulin and I
 had a ten minute window. and I had
 10 to 15 minutes left - can I eat my
 lunch. MRS. Santana was still
 ranting and she stated no you cannot
 eat your lunch. You are to go to
 the street. MRS. Cordero saw that I
 was ^{* IIV} upset and asked me to come in the
 office, but my ~~CARRIERS~~ CO-WORKERS PUSHED me
 out of the station. MRS. SANTANA put me
 in HARMS way. (She TRIED to kill me)

- 3
- * YES, I DO HAVE A DISABILITY. I AM DIABETIC.
 - * YES I WAS DISCRIMINATED AGAINST, BECAUSE OF MY RACE, AGE, AND DISABILITY. WITNESSES -
 - * ROUTES - 29-27-7-21- AND MORE.
 - * MRS. SANTANA ABUSED HER POSITION. SHE ALWAYS TRIES TO HARM PEOPLE.
 - * JUST THE OTHER DAY MRS. SANTANA SAID GOOD MORNING TO ME. I DID NOT ANSWER SO HER RESPONSE WAS "AND I THOUGHT I WAS THE ONE CRAZY" ETC.
 - * EXAMPLE SHE NEVER STOPS. HER COMMENTS ARE SO UNNECESSARY.
 - * MRS. SANTANA HAS A LACK OF GOOD JUDGE ~~MENT~~ ^{MENT}. WHICH MEANS SHE IS DANGEROUS.

Print postage online - Go to usps.com/postageonline

PLEASE PRESS FIRMLY



2300 2730 0000 0566 5470

INTERNATIONAL RESTRICTIONS APPLY:

POUND WEIGHT LIMIT ON INTERNATIONAL APPLIES

Postage forms are required. Consult the International Mail Manual (IMM) at pe.usps.gov ask a retail associate for details.

Formal Complaint
Page 4 of 4



PLEASE PRESS

1006



U.S. POSTAGE
PAID
BROOKLYN, NY
MAR 03, 11
AMOUNT

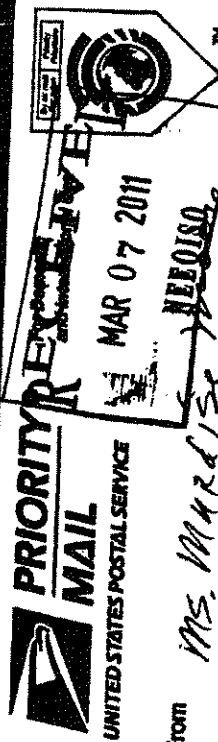
\$7.30

Flat Rate Mailing Envelope

For Domestic and International Use

Visit us at usps.com

From/Extra/Retour



MAR 07 2011

From *MS. MURDISE NEEDS*
340 W. 47th Street 5A
NYC, 10036

TO

NEEO 150 Funeral Complaints
U.S. Postal Service
P.O. Box 21979
Tampa, FL 33602-1979

Label 228, January 2008

Country of Destination/Pays de destination:



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Office of Federal Operations
P.O. Box 77960
Washington, DC 20013

Murdise Moore,
Complainant,

v.

Patrick R. Donahoe,
Postmaster General,
United States Postal Service
(Northeast Area),
Agency.

Request No. 0520130640

Appeal No. 0120131797

Agency No. 4B100003011

DENIAL

Complainant timely requested reconsideration of the decision in Murdise Moore v. U.S. Postal Service, EEOC Appeal No. 0120131797 (July 25, 2013). EEOC Regulations provide that the Commission may, in its discretion, grant a request to reconsider any previous Commission decision where the requesting party demonstrates that: (1) the appellate decision involved a clearly erroneous interpretation of material fact or law; or (2) the appellate decision will have a substantial impact on the policies, practices, or operations of the Agency. See 29 C.F.R. § 1614.405(c).

The prior decision dismissed the appeal for being untimely filed; specifically, that Complainant received the Agency's final decision on February 25, 2013, but did not file the appeal until April 8, 2013. The prior decision noted the only justification for the delay was that Complainant and her representative were busy with her other complaints before the Merit Systems Protection Board. The prior decision noted that this was an inadequate justification for the delay in filing.

In her Request, Complainant reiterates the same reason for her delay, and also addressed the merits of her complaint. After reviewing the previous decision and the entire record, the Commission finds that the request fails to meet the criteria of 29 C.F.R. § 1614.405(c), and it is the decision of the Commission to deny the request. Complainant failed to establish that the prior decision involved a clearly erroneous interpretation of material law or fact. The decision in EEOC Appeal No. 0120131797 remains the Commission's decision. There is no further right of administrative appeal on the decision of the Commission on this request.

COMPLAINANT'S RIGHT TO FILE A CIVIL ACTION (P0610)

This decision of the Commission is final, and there is no further right of administrative appeal from the Commission's decision. You have the right to file a civil action in an appropriate United States District Court within ninety (90) calendar days from the date that you receive this decision. If you file a civil action, you must name as the defendant in the complaint the person who is the official Agency head or department head, identifying that person by his or her full name and official title. Failure to do so may result in the dismissal of your case in court. "Agency" or "department" means the national organization, and not the local office, facility or department in which you work.

RIGHT TO REQUEST COUNSEL (Z0610)

If you decide to file a civil action, and if you do not have or cannot afford the services of an attorney, you may request from the Court that the Court appoint an attorney to represent you and that the Court also permit you to file the action without payment of fees, costs, or other security. See Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e et seq.; the Rehabilitation Act of 1973, as amended, 29 U.S.C. §§ 791, 794(c). The grant or denial of the request is within the sole discretion of the Court. Filing a request for an attorney with the Court does not extend your time in which to file a civil action. Both the request and the civil action must be filed within the time limits as stated in the paragraph above ("Right to File a Civil Action").

FOR THE COMMISSION:



Carlton M. Hadden, Director
Office of Federal Operations

FEB 20 2014
Date

CERTIFICATE OF MAILING

For timeliness purposes, the Commission will presume that this decision was received within five (5) calendar days after it was mailed. I certify that this decision was mailed to the following recipients on the date below:

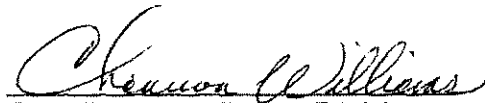
Murdise Moore
340 W 47th St #5A
New York, NY 10036

Jose A. Gonzalez, Jr.
2396 Valentine Avenue, Apt. 1
Bronx, NY 10458

U.S. Postal Service (Northeast)
NEEOISO - Appeals
U.S. Postal Service
PO Box 21979
Tampa, FL 33622-1979

FEB 20 2014

Date

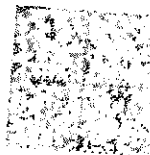

Compliance and Control Division

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
OFFICE OF FEDERAL OPERATIONS
P.O. BOX 77960
WASHINGTON, DC 20013

OFFICIAL BUSINESS

Reference #: 05-2013-0640
Murdise Moore
340 W 47th St #5A
New York, NY 10036

2/22/4



0002 \$ 000.48
FEB 20 2014